

REMARKS

Summary Argument of Method Dissimilarity

Wilkinson (US Pat. 5,324,243)

vs. Falcone (Appl. No. 10/760,360)

Shifferaw (US Pat. 4,725,057) (Claim 23)

With regard to Wilkinson's and Shifferaw's implied use of method, I respectfully submit that neither Wilkinson nor Shifferaw fairly suggests or teaches the method combination of the present invention.

In more particular terms, both Wilkinson and Shifferaw anticipate a method of exercising which **requires a user to exit the exercise position** for adjustment or replacement of the arm member, thereby stopping the exercise routine and corrupting the workout progression.

In plain contradistinction to Wilkinson and Shifferaw, the method of the present invention permits the arm member to be pivotably adjusted **while the user remains in the exercise position**.

Moreover, Wilkinson and Shifferaw use the abstract term "universal" to describe their methods. In the context of properly applied exercise science (wherein functional isotonic and isokinetic resistance exercise movements are employed) the term "universal" is meaningless, having no materially distinguishable value. Furthermore an attempt to provide a desired mechanical relationship using the method of the present invention in combination with Wilkinson's or Shifferaw's device would render the method unworkable and the devices inoperable.

Disclosure support

(Abstract - ¶¶ 0009, 0016, 0024, 0032, Fig. 27)

REMARKS

CLAIMS 24 - 45

EQUIVALENT LANGUAGE -

Claim: 24

Contoured - (008, 0057, Fig. 5)

Obverse concave arcuate - reverse convex arcuate (0026, 0059, Figs. 5,6)

Left and right side walls - (0011, 0028, 0057, Fig. 5,6)

Articulated arm assembly - (009, 0028, 0066, Fig. 9, 17)

Pivotably displaced - (0041, 0042, Fig. 27)

Bend - (008, 0026, Fig. 16)

Claim: 27 - 31

Rotatable hinge - (0057, 0061, 0068, Fig. 27)

Claim: 29 - 31, and 45

Position - (0019)

Claim: 45

Adjacent - (0025, 0070, Fig. 27)

[NOTE: Computer is unable to do cross-outs.]